

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Travis L. ALLAN et al

Serial No: 09/966,750

Filed : October 1, 2001

For : FRACTURING FLUID

Group Art Unit: 1712

Examiner: Philip C. Tucker

RESPONSE TO NOTICE OF NON-COMPLIANT  
AMENDMENT (37 C.F.R. 1.121)

Commissioner of Patents and Trademarks  
Washington, DC 20231

Sir:

In response to the Notice of Non-Compliant Amendment (37 C.F.R. 1.121), bearing a mail date of March 11, 2002, applicant encloses a copy of the Amendment, a copy of the original clean copy of the Specification, a copy of the marked-up copy of the Specification, and a copy of a clean copy of the replaced paragraphs, fully complying with 37 C.F.R. 1.121. A copy of the receipt card verifying that these documents had already been submitted on December 28, 2001, is enclosed.

If any questions remain, please do not hesitate to telephone the undersigned.

Respectfully submitted,

by   
Stewart L. Gitler, Reg. 31,256

March 25, 2002

HOFFMAN, WASSON & GITLER, PC  
2361 Jefferson Davis Highway  
Suite 522  
Arlington, VA 22202  
(703) 415-0100

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Attorney's Docket: A-7641.RNNCA/mpd

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UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,750	10/01/2001	Travis L. Allan	A-7641.MP/lat	3616

20741 7590 03/11/2002  
HOFFMAN WASSON & GITLER  
2361 JEFFERSON DAVIS HIGHWAY  
SUITE 522  
ARLINGTON, VA 22202

EXAMINER

TUCKER, PHILIP C

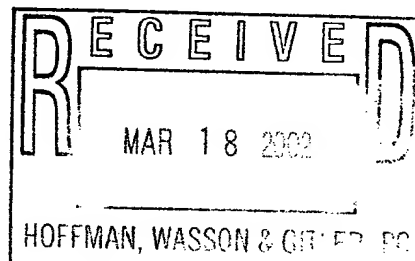
ART UNIT PAPER NUMBER

1712

DATE MAILED: 03/11/2002

5

Please find below and/or attached an Office communication concerning this application or proceeding.



RESPONSE BY 4-11-2002



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## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER NUMBER
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DATE MAILED:

**Notice of Non-Compliant Amendment (37 CFR 1.121)**

The amendment filed on 12/18/07 is considered non-compliant because it has not been submitted in the format required under 37 CFR 1.121, as amended on September 8, 2000 (see 65 Fed. Reg. 54603, Sept. 8, 2000, and 1238 O.G. 77, Sept. 19, 2000).

- ☒ 1. The amendment does not include a clean version of the replacement paragraph(s)/section(s). 37 CFR 1.121(b)(1)(ii).
- ☒ 2. The amendment does not include a marked-up version of the replacement paragraph(s)/section(s). 37 CFR 1.121(b)(1)(iii).
- ☒ 3. The amendment does not include a clean version of the amended claim(s). 37 CFR 1.121(c)(1)(i).
- ☒ 4. The amendment does not include a marked-up version of the amended claim(s). 37 CFR 1.121(c)(1)(ii).
- ☐ 5. Other \_\_\_\_\_

☒ **PRELIMINARY AMENDMENT:** Unless applicant re-submits the preliminary amendment in compliance with revised 37 CFR 1.121 within ONE MONTH of the mail date of this letter, examination on the merits may commence without entry of the originally proposed preliminary amendment. This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

☐ **AMENDMENT AFTER NON-FINAL ACTION:** Since the above mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

For your convenience, attached to this correspondence is a copy of an informational flyer (MPEP Bookmark Bulletin on "Simplified Amendment Practice").

Nicol Scott  
Legal Instruments Examiner

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The below text replaces the pre-printed text under the heading "Information on How to Effect Drawing Changes," on the top of the PTO-948 (Rev. 03/01, or earlier) form.

## INFORMATION ON HOW TO EFFECT DRAWING CHANGES

### 1. Correction of Informalities -- 37 CFR 1.85

New corrected drawings must be filed with the changes incorporated therein. Identifying indicia, if provided, should include the title of the invention, inventor's name, and application number, or docket number (if any) if an application number has not been assigned to the application. If this information is provided, it must be placed on the front of each sheet and centered within the top margin. If corrected drawings are required in a Notice of Allowability (PTO-37), the new drawings **MUST** be filed within the **THREE MONTH** shortened statutory period set for reply in the Notice of Allowability. Extensions of time may **NOT** be obtained under the provisions of 37 CFR 1.136(a) or (b) for filing the corrected drawings after the mailing of a Notice of Allowability. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

### 2. Corrections other than Informalities Noted by Draftsperson on form PTO-948.

All changes to the drawings, other than informalities noted by the Draftsperson, **MUST** be made in the same manner as above except that, normally, a highlighted (preferably red ink) sketch of the changes to be incorporated into the new drawings **MUST** be approved by the examiner before the application will be allowed. No changes will be permitted to be made other than correction of informalities, unless the examiner has approved the proposed changes.

#### Timing of Corrections

Applicant is required to submit the drawing corrections within the time period set in the attached Office communication. See 37 CFR 1.85(a).

**Failure to take corrective action within the set period will result in ABANDONMENT of the application.**

HOFFMAN, WASSON & GITLER, PC

(703) 415-0100

Docket No.

: A - 7641

Inventor/Applicant

: *James L. Allan et al*

Serial/Patent No.

: 09/966,750

Filing/Issue Date

: October 1, 2001

Title

: *Fracturing Fluid*

The U.S. Patent and Trademark Office acknowledges receipt of:

PATENTS

- ☐ Transmittal Letter (\_\_\_pgs)
- ☐ Patent Application
  - Specification (\_\_\_pgs), Claims (\_\_\_pgs) & Abstract (\_\_\_pgs)
- ☒ Drawings - \_\_\_ sheets (\_\_\_formal/\_\_\_informal)
- ☒ Declaration/Power of Attorney (☒ signed/\_\_\_unsigned) (14pgs)
- ☒ Certificate Under Section 3.73(b) (\_\_\_pgs)
- ☒ Preliminary Amendment (2pgs)
- ☐ Assignment w/ Transmittal (\_\_\_pgs)
- ☐ Priority Document(s) (\_\_\_certified/\_\_\_uncertified)
- ☐ IDS/PTO Form 1449 (\_\_\_pgs) w/ References (\_\_\_ Documents)
- ☐ Issue Fee w/ Transmittal
- ☐ Maintenance Fee w/ Transmittal (\_\_\_w/ Surcharge/\_\_\_w/o Surcharge)
- ☐ Amendment/Response/Communication (\_\_\_pgs)
  - (\_\_\_ Marked-Up Claims (\_\_\_pgs) (\_\_\_ Substitute Sheet(s) of Claims (\_\_\_pgs)
- ☐ Extension of Time (\_\_\_pgs)
- ☐ Terminal Disclaimer (\_\_\_pgs)
- ☐ PCT Request Form (\_\_\_pgs)
- ☐ Fee Calculation Sheet (\_\_\_pgs)
- ☐ National Phase 371 Transmittal (\_\_\_pgs)
- ☐ Demand for Preliminary Examination (Chapter II) (\_\_\_pgs)
- ☐ Response to Written Opinion (\_\_\_pgs)
- ☐ Copy of International Application, as filed (PCT/\_\_\_/\_\_\_)
  - Specification (\_\_\_pgs), Claims (\_\_\_pgs) & Abstract (\_\_\_pgs)
- ☐ Copy of Published International Application (WO\_\_\_)
  - Specification (\_\_\_pgs), Claims (\_\_\_pgs) & Abstract (\_\_\_pgs)
- ☐ Copy of International Search Report (\_\_\_pgs)
- ☐ Translation of Priority Application No. \_\_\_\_\_, filed \_\_\_\_\_
  - (\_\_\_certified/\_\_\_uncertified)
- ☐ Petition \_\_\_\_\_ (\_\_\_pgs)



RECORDED 1-2-2002 69

MISCELLANEOUS

: *Response to Notice of Missing Parts (1 pg.)*  
*Copy of Notice (1 pg.)*  
*Clean Copy of Application as Filed (10 pg.)*  
*Marked-Up Copy of Application (7 pg.)*  
*Clean Copy of Application w/ Changes (10 pg.)*

- ☒ CHECK NO. 16803 IN THE AMOUNT OF \$ 543.00
- ☐ CHECK NO. \_\_\_\_\_ IN THE AMOUNT OF \$ \_\_\_\_\_
- ☐ DEPOSIT ACCOUNT TRANSACTION \$ \_\_\_\_\_

File: *mailroom*

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